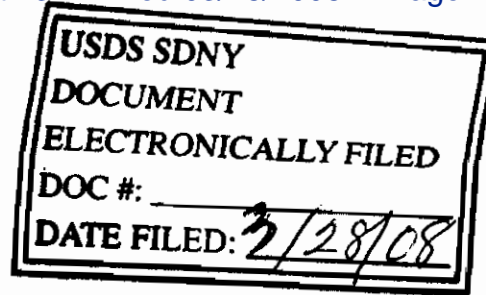


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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MIRNA E. MARTINEZ-SANTIAGO,

Plaintiff,

-against-

ZURICH NORTH AMERICA INSURANCE CO.,

Defendant.

INDEX NO.: 07-8676 (RJH)

~~PROPOSED~~ JOINT  
SCHEDULING ORDER

Pursuant to Rule 26(f) and the Individual Practices of Judge Richard J. Holwell, the parties in the above-captioned matter hereby submit the following Joint Scheduling Order for the Court's review:

**A. DESCRIPTION OF THE CASE**

i. Attorneys of Record:

Gregory B. Reilly (GR-6189)  
Cassandra L. Manning (CM-1928)  
Attorneys for Defendant  
885 Third Avenue, 16th Floor  
New York, New York 10022  
(212) 583-9600

Lee Nuwesra (LN-5851)  
Attorney for Plaintiff  
1623 Unionport Road  
Suite 101  
Bronx, New York 10462  
(718) 942-4294

ii. Basis for Federal Jurisdiction.

Alleged federal question jurisdiction pursuant to Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. §2000(e) *et seq.* ("Title VII") and supplemental jurisdiction over Plaintiff's statutory state and city legal claims pursuant to 28 U.S.C §1367 (a).

iii. Brief Statement of Claims/Counterclaims:

Plaintiff Mirna E. Martinez-Santiago ("Plaintiff") is a former employee of Defendant Zurich American Insurance Company, incorrectly sued as Zurich North America Insurance Co. ("Zurich"). Plaintiff alleges that Zurich discriminated against her on the basis of her race and/or color and engaged in retaliation in violation of Title VII, the New York State Human Rights Law, Executive Law § 290 *et seq.* (the "NYSHRL") and the New York City Human Rights Law, Administrative Code, § 8-101 *et seq.* (the "NYCHRL"). Zurich has asserted no counterclaims.

iv. Major Factual and Legal Issues:

The major factual and legal issue is whether Zurich discriminated and/or retaliated against Plaintiff when it allegedly treated her differently than other similarly situated employees in refusing to permit her to work from home (rather than working in Zurich's offices).

v. Relief Sought:

Plaintiff seeks the following relief: (a) a declaratory judgment that Zurich violated Plaintiff's civil rights under applicable law; (b) injunctive relief enjoining Zurich from discriminating against other employees and monitoring of Zurich's employment practices; (c)

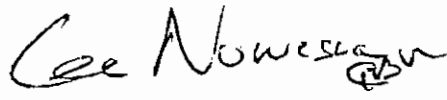
**B. PROPOSED CASE MANAGEMENT PLAN**

- i. Identify all pending motions – NONE
- ii. Proposed cutoff date for joinder of additional parties - June 2, 2008
- iii. Proposed cutoff date for amendments to pleadings – June 2, 2008
- iv. Proposed schedule for completion of discovery:
  - (a) Rule 26(a)(1) disclosures -- April 16, 2008
  - (b) Fact discovery completion date – September 30, 2008
  - (c) Rule 26(a)(2) disclosures – October 31, 2008 for Plaintiff and  
December 5, 2008 for Defendant
  - (d) Expert discovery completion date (including delivery of expert  
reports) – January 1, 2009
- v. Proposed date for filing dispositive motions – October 31, 2008
- vi. Proposed date for final pre-trial order – 60 days after the Court's ruling on  
dispositive motions
- vii. Trial schedule –
  - (a) Jury trial requested – YES
  - (b) Probable length of trial – One week (probably less)
  - (c) Estimated date when case trial ready -- January 30, 2009.

The parties' counsel are conferring with their clients on this issue.


**D. STATUS OF SETTLEMENT DISCUSSIONS**

The parties' counsel are conferring with their clients on this issue. Plaintiff's counsel will make a demand upon Zurich's counsel. There were prior (unsuccessful) settlement negotiations prior to Plaintiff retaining counsel.

By:   
Lee Nuwesra (LN-5851)  
1623 Unionport Road, Suite 101  
Bronx, New York 10462  
(718) 942-4294

Counsel for Plaintiff

Dated: 3/27/08

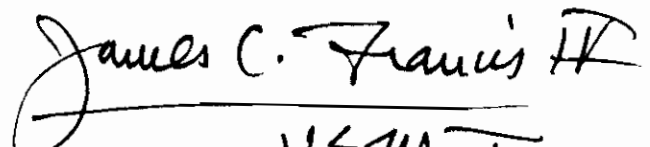
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Counsel for Defendant

Dated: 3/27/08

3/28/07

SO ORDERED.

  
JAMES C. FRANCIS II  
USMJ